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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,742	09/12/2003	Eva Rojer	Strom.7274	9486

  

EXAMINER	
SANG, HONG	

  

ART UNIT	PAPER NUMBER
1643	

  

MAIL DATE	DELIVERY MODE
11/21/2007	PAPER

7590 11/21/2007  
Samuels, Gauthier & Stevens LLP  
225 Franklin Street, Suite 3300  
Boston, MA 02110

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10661742	9/12/2003	ROJER, EVA	Strom.7274

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Boston, MA 02110

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Hong Sang

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20071119

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Commissioner for Patents

1. In the response filed on 10/2/07, applicant added new claims 46-50. New claims 46, 48, and 50 fail to comply with rule 37 CRF1.821(d) because the SEQ ID NO. (sequence identifier) is not provided for the recited sequence.

37 CFR 1.821(d) requires the use of the assigned sequence identifier in all instances where the description or claims of a patent application discuss sequences regardless of whether a given sequence is also embedded in the text of the description or claims of an application. This requirement is also intended to permit references, in both the description and claims, to sequences set forth in the "Sequence Listing" by the use of assigned sequence identifiers without repeating the sequence in the text of the description or claims. Sequence identifiers can also be used to discuss and/or claim parts or fragments of a properly presented sequence. For example, language such as "residues 14 to 243 of SEQ ID NO:23" is permissible and the fragment need not be separately presented in the "Sequence Listing." Where a sequence is embedded in the text of an application, it must be presented in a manner that complies with the requirements of the sequence rules. See MPEP 2422.03.

2. During a telephone conversation with applicant's representative Arlene J. Powers on 11/13/2007, applicant's representative stated that the sequence recited in new claims 46, 48, and 50 is SEQ ID NO.14. However, the amendment to the specification filed on 6/14/07 indicates that SEQ ID NO.14 is the amino acid sequence for SCCA1, and SEQ ID NO.1 is the amino acid sequence for the SCCA1/SCCA2 fusion protein. Given both proteins are 390 amino acids, it is unclear which SEQ ID NO. is claimed. Applicant is required to amend the claims to include the sequence identifier.

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

Hong Sang, Ph.D.  
Art Unit 1643  
Nov. 19, 2007